

### **REMARKS**

This responds to the Office Action mailed on January 16, 2007.

Claims 18 and 20 are amended, no claims are cancelled, and claims 21 and 22 are added; as a result, claims 1-22 are now pending in this application.

#### **Drawing Objections**

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(5) for using reference character 102 to designate both “video graphic reels” and “various buttons”. Additionally, the drawings were objected to because they include reference number 103, Fig 1 not mentioned in the description. The description of element 103 has been corrected to reflect the various buttons shown in Figure 1.

#### **§101 Rejection of the Claims**

Claim 20 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Claim 20 is a standard Beauregard claim directed toward a machine-readable medium, which is a statutory article of manufacture as decided in *In re Beauregard*. Examples of machine-readable mediums well known in the art include a hard disk drive, a compact flash drive, a compact disc or DVD, or other such machine-readable mediums.

#### **§112 Rejection of the Claims**

Claim 20 was rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. This claim has been amended to correct the lack of proper antecedent basis for the previously recited “audio module”.

#### **§102 Rejection of the Claims**

Claims 1-2, 4-10, 12-18 and 20 were rejected under 35 U.S.C. § 102(e) for anticipation by Hecht et al. (U.S. Publication No. 2003/0073491).

The ‘491 Hecht reference discusses in the cited portions various sound-causing events, such as accumulation of credits, award of a jackpot, initiation of a primary or bonus game, etc.,

but does not disclose maintaining audio rhythm of an audio track played during reel spins over multiple reel spins.

Hecht does discuss in the cited portion of paragraph 67, lines 7-9, that Hecht is operable to pitch-shift a played sound to match the duration of a sound to a particular game event, such as pitch shifting one or more sound files played during a reel spin such that the sound file has reached its end when the reel spin ends.

Hecht does not anywhere discuss maintaining a rhythm across multiple reel spins, but discusses only pitch shifting to alter the pitch or duration of a single play of an audio track play event without any concern for the rhythm or synchronizing the rhythm with another reel spin audio presentation. Claimed techniques such as fading in and out of a continuously playing audio track to maintain rhythm are not contemplated in Hecht, nor is any other example of maintaining rhythm between multiple reel spins in a wagering game machine.

Because Hecht fails to consider maintaining rhythm between reel spins in a wagering game machine, the above-referenced claims and their dependents are believed to be in condition for allowance. Reexamination and allowance of pending claims 1-22 is therefore respectfully requested.

### §103 Rejection of the Claims

Claims 3 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hecht et al. in view of Bates et al. (U.S. Publication No. 2003/0130020).

Bates does discuss looping an audio track at paragraph 23, but does not teach doing so in a way such that an audio rhythm is maintained. Further, Bates is directed toward displaying a message to a user of a data processing system, and the context of paragraph 23 is simply that of a single-player fighting game having no relation to separate reel spin events in the context of a wagering game machine.

Because Bates fails to consider looping an audio track in a manner that maintains rhythm, because Bates fails to show some motivation or teaching to combine it with a wagering game reel spin event, and because these claims depend from claims shown above to be in condition for allowance, reexamination and allowance of these claims 3 and 11 is respectfully requested.

Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hecht et al. in view of Tsukahara (U.S. 6,416,411).

Tsukahara teaches in the cited portion playing a randomly selected sound effect pattern when a predetermined condition triggers playing a special game mode more advantageous to a player than a normal gaming mode.

Tsukahara does not teach randomly selecting a track for each reel spin, or even suggest random audio track selection for some particular game event. Tsukahara (in combination with Hecht) further fails to perform such functions in the context of playing select audio element tracks during each reel spin, or doing so while maintaining rhythm across multiple reel spins as is recited in the claims.

Claim 19 is therefore believed to be in condition for allowance, both for these reasons and for its dependence on an allowable base claims as explained in greater detail above. Reexamination and allowance of claim 19 is therefore respectfully requested.

Claim 18, from which claim 19 depends, appears to have been erroneously typed to depend from independent claim 12 rather than its immediately preceding independent claim 17, and has been amended to correct this typographical error.

### **CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 349-9581 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

### **Reservation of Rights**

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

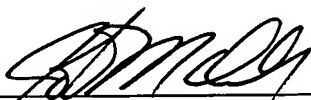
Respectfully submitted,

MICHAEL P. CONNELLY

By his Representatives,

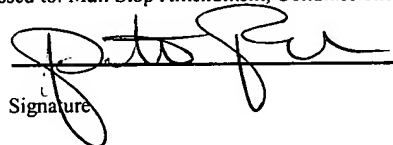
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Date Mar 14 '07

By   
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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 14 day of March 2007.

Peter P. Buffoni  
Name

  
Signature

**IN THE DRAWINGS**

The drawings were objected to in part because of an inaccurate reference in the specification. The specification has been amended to correct reference to buttons 103.